REMARKS

Claims 1-49 are pending in the application, with claims 1, 19, 30, 35 and 42 being in independent form.

Allowable Subject Matter

Applicants appreciate the indication that dependent claims 13, 17, 28, 31, 32, and 36-39 would be allowable if placed in independent form.

Claim Rejections <u>Under 35 USC 103</u>

Each of the pending independent claims 1, 19, 30, 35, and 42, as well as dependent claims 2-4 and 22-24, were rejected under 35 USC 103 as purportedly unpatentable over "Winzer et. al., Return-to-Zero Modulator Using a Single NRZ Drive Signal and an Optical Delay Interferometer, IEEE 2001" (hereinafter the "Winzer IEEE reference") in view of Ono et. al., US 6,097,525. Claims 5-12, 14-16, 18, 20-21, 25-27, 29, 33-34, 40-41, and 43-49 were rejected as purportedly unpatentable over the Winzer IEEE reference in view of Ono and further in view of Kou, US 6,046,838.

However, it is respectfully pointed out that the Winzer IEEE reference, which is the primary reference cited against each pending claim, is not prior art. On its face, the Winzer IEEE reference indicates a manuscript receipt date of July 9, 2001, which is subsequent to the June 13, 2001 filing date of U.S. Provisional Application 60/297,882, the benefit of which this application claims under 35 U.S.C. 119(e).

The remaining references, taken singly or in combination, do not disclose or suggest the claimed invention as set forth in the claims.

Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 1, 19, 30, 35 and 42, and the claims depending therefrom, are patentable over the cited art.

In addition, attached as Exhibit A hereto is a Form PTO-1449 on which is listed U.S. Patent Application Publication No. 2003/0007231 A1 (Winzer), published January 9, 2003. The Winzer reference is brought to the attention of the Examiner but is believed not to be prior art to this application.

Appl. No. 09/971,831 Reply to August 24, 2004 Office Action

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully Submitted,

Paul Teng, Reg No. 40,837

Attorney for Applicants Cooper & Dunham LLP

Tel.: (212) 278-0400

											of Commerce	Atty. Dock 0980/660		Serial No. 09/971,831		
INFORM	ИA	TIC	ΟN	DI	SC	LO	SU	RE	CI	TATION	I	Applicants Haiqing	: WEI et al.			
(Use several sheets if necessary)												Filing Date October		Group Art Unit:		
U.S. PAT	ENT	r Do	OC)	UM	ENT	ΓS					·		-			
Examiner Initial	Document Number								Dat		Name	Class	Subclass	Filing Date if Appropriate		
		20	03	/0	00	72	31	A1	1	-9-2003	Winzer					
	ļ	ļ		<u> </u>	_	_	_									
		<u> </u>		_	_	\vdash	 	<u> </u>				•				
	 	\vdash	H											 		
		-	-		-	\vdash	\vdash	 								
	<u> </u>	 				┢	<u>† </u>									
				Ŀ	<u> </u>	<u> </u>										
				ļ	_	<u> </u>	_	ļ	:							
		L	<u> </u>	L	<u> </u>	L	1	<u> </u>				<u> </u>			· · · · · ·	
FOREIG	N	PA	TE	NI	D	<u>oc</u>	<u>UM</u>	ŒN	TS	<u> </u>		<u> </u>	<u> </u>	<u> </u>	-	
		Document Number							Date		Country	Class	Subclass	Translation		
						_								Yes	No	
	ļ	<u> </u>			<u> </u>	<u> </u>								ļ		
	_	<u> </u>				┞							<u> </u>		ļ ·	
	_	-	_	<u> </u>	<u> </u>	 	<u> </u>				<u> </u>					
		-			<u> </u>	┢	<u> </u>					<u> </u>				
			<u> </u>	-	\vdash	╁	1	-	-		-			 		
			 -		H	╁		-						-		
			 											<u> </u>		
OTHED	D			TEN	JTS	: (T	neli	din	α.	Author 7	 Γitle, Date, Perti	nent Pages	Ftc)		.	
OTHER			OIV.	1121	110	, (1)	iicii	IUII	8 4	Autiloi,	riic, Daic, Teru	nent i ages	, Etc.)			
								_								

		<u> </u>								-				 		
ENZARATRI	- I	l							D 4	TE CONST	DEDED					
EXAMINE	ĸ								IJΑ	TE CONSI	DEKED					

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.